

Applicants: Kenneth A. Jones, et al.
Serial No.: 09/211,755
Filed: December 15, 1998
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250 are pending in the subject application. Claims 208, 210, 213, 214, 221-225, 228, 230, 231, 233-239, and 250 are allowed. By this Amendment, applicants have hereinabove canceled claim 240. Accordingly, upon entry of this Amendment, claims 208, 210, 213, 214, 221-225, 228, 230, 231, 233-239, and 250 will be pending and under examination.

Applicants respectfully request that this Amendment be entered.

Rejection Under 35 U.S.C. §112, Second Paragraph

On page 2 of the October 31, 2002 Final Office Action, the Examiner maintained the rejection of claim 240 under 35 U.S.C. §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner stated that the amended claim requires that the artisan performing the method use a compound that "was not previously known to be an agonist of GABA_BR1/R2 receptor prior to carrying out the process to determine whether the compound is an agonist of the GABA_BR1/R2 receptor". The Examiner alleged that this phrase renders the metes and bounds of the claim unascertainable because it is not clear whom the claim requires to not have known, nor what time frame this lack of knowledge is applicable, and the bounds of the claim will change with time and with increase in knowledge. The Examiner concluded that the metes and bounds of the claim cannot be determined.

In an attempt to expedite the allowance of the subject application, and with the understanding that the allowed claims encompass the process of claim 240, applicants have canceled claim 240. Applicants maintain that canceling claim 240 does not concede the correction of the Examiner's position, however, it renders the Examiner's rejection moot.

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Allowable Subject Matter

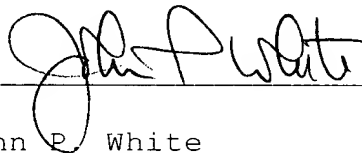
The Examiner indicated that claims 208, 210, 213, 214, 221-225, 228, 230, 231, 233-239 and 250 are allowable.

In summary, in view of the amendments and remarks made hereinabove, applicants respectfully request that the Examiner reconsider and withdraw the rejection set forth in the October 31, 2002 Final Office Action and earnestly solicit allowance of the claims pending in the subject application, namely claims 208, 210, 213, 214, 221-225, 228, 230, 231, 233-239, and 250.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided.

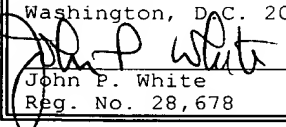
No fee is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


John P. White
Reg. No. 28,678

1/3/03
Date